

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No. 402 OF 2006

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Between:

Smt. G. Chandrakala

.....Appellant

And

The Principal Secretary,
Panchayat Raj & Rural Development
(PTS-V) Department, Secretariat,
Hyderabad and two others

.....Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri P. Sriharsha Reddy

representing

Sri S. Niranjan Reddy

Counsel for the Respondents : Government Pleader for

Panchayat Raj and Rural

Development

Dated: 20-04-2006

Per G.S. SINGHVI, CJ

This is an appeal for setting aside order dated 01-02-2006 passed by the learned Single Judge in W.P.M.P No.29521 of 2005 (Writ Petition No.23036 of 2005), whereby he rejected the appellant's prayer for staying the implementation of G.O.Ms.No.192, dated 31-05-2005 and consequential orders passed by the competent authority for deleting Survey Numbers 556/6, 557/6, 556/7 and 557/8 and houses bearing No. 2-7 to 2-28 from the local area of Annaram Gram Panchayat and inclusion thereof in Sirpoor Gram Panchayat.

We have heard learned counsel for the appellant. In our opinion, the discretion exercised by the learned Single Judge not to grant stay in terms of the prayer made does not suffer from any infirmity. The admission of the writ petition filed by the appellant questioning the legality of G.O.Ms No. 192, dated 31-05-2005 is only indicative of existence of prima facie case. However that, by itself is not sufficient for grant of interim relief. If the appellant succeeds in the writ petition, then the Court may restore the position obtaining as on 31-05-2005 and pass appropriate consequential orders. If, on the other hand, the writ petition is dismissed, it will be impossible to compensate Sirpoor Gram Panchayat and the people of the local area of that Gram Panchayat in lieu of the loss which they may have suffered in the

meanwhile on account of the interim order passed by the Court. To put it differently, the appellant is neither going to suffer irreparable loss by transfer of the survey numbers and other properties to the local area of Sirpoor Gram Panchayat nor the balance of convenience is in favour of staying the operation of G.O.Ms.No.192 dated 31.5.2005 or transfer of the aforementioned survey numbers and house properties to the local area of Sirpoor Gram Panchayat.

For the reasons stated above, the appeal is dismissed.

As a sequel to the dismissal of the main appeal, W.A.M.P No.888 of 2006 filed for staying the operation and implementation of G.O.Ms.No.192 dated 31-05-2005 is also dismissed.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

20-04-2006

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